

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:16cr10
)	
INAYA MITCHELL,)	
)	
Defendant.)	

POSITION OF THE DEFENDANT WITH RESPECT TO SENTENCING

Now comes the Defendant, by counsel, and for her position with respect to sentencing factors, states she has no objection to the presentence report and that the probation officer has correctly calculated an advisory Guideline prison range of 12-18 months. The Defendant also strongly concurs with the Government's recommendation that the Court impose a variance sentence below the advisory Guideline range and sentence her to a term of imprisonment for six months. It appearing that the Government recognized early on in the case that the Defendant not only readily accepted responsibility in her case, but that she also was able to provide to the Government useful information that may result in significant changes to the Social Security Administration, and thus prevent any similar occurrences in the future.

A. The Sentencing Guidelines

The Defendant concurs with the Government's position with respect to the Sentencing Guidelines.

B. The Statutory Sentencing Factors

The Defendant wholeheartedly agrees with the Government in this case and respectfully asks this Court to impose a below-Guideline sentence of six months imprisonment. That sentence would

still be in keeping the purposes set forth in 18 U.S.C. § 3553(a)(2), but would also take into account 18 U.S.C. § 3553(b) that permits a Court to consider mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines. As expressed in the Government's Position Paper, the Defendant has no criminal record. Although the Defendant has acknowledged her wrongful conduct, it should be noted that the actual affirmative wrongful conduct was very brief in duration. Unfortunately, however she set in motion a plan within those those two or three months that was essentially set on auto-pilot and that therefore carried over for another eight or nine months until she was confronted with it during the course of the investigation. The funds were blocked almost immediately, thus preventing the Defendant from obtaining any of the money.

The Defendant has expressed profound remorse. She knows she has brought shame upon herself and her family, and she is embarrassed of by her own conduct. Although she does not wish to make any excuses, it is still a fact that she was involved in a destructive domestic abuse situation in which she felt her back was against the wall.

Frankly, a six-month prison term is not necessary for her to receive the message that her conduct was illegal and defied her position of trust. She has beaten herself up almost daily since this incident has come to light. A six-month sentence is just in this case and takes into account her solemn remorse.

C. The Defendant's Response to the Government's Recommendation

The Defendant agrees there must be consequences for her actions, but respectfully asks this Court to concur with both the Government's Recommendation and her request for a variance below the advisory Guidelines range and that she be sentenced to no more than six months in prison.

INAYA MITCHELL

By: _____/s/_____
Counsel

COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the Government's counsel who is a user of the CM/ECF system.

_____/s/_____
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